IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.7911 of 1995

Between:

1 G. Radhakrishna Murthy, S/o Late Ramamurthy,
Retd.Amin, Disrtict Court, Vizianagaram
2 B. Nageswara Rao, S/o Ramarao,
Amin, Sub Court, Parvathipuram.
3 Prama Mohan Rao, S/o Sanyasi,
Amin, Munsif Magistrate's court, Salur.
4 S. Appa Rao,. S/o Late Adinarayana,
Amin, District Court, Vizianagaram.
5 T. Pakeeru, s/o Ramamurthy,
Retd.Amin, Sub Court, Parvathipuram.
6 M. Jagannadharao, S/o Late Apparao,
Munsif Magistrate's court, Gajapathinagaram.
7 P. Appalakonda, s/o Appili,
Retd.Amin, Munsif Magistrate's Court, Gajapathinagaram.
8 K. satya Rao, S/o Late Varahalu,
Amin, Munsif Magistrate's court, Srugavarapukota,
9 M.V.Rama Rao, S/o Gangarao,
Retd.Amin,Munsif Magistrate's court, Srugavarapukota,
10 G. Gurumurthy, s/o Late Appanna
Amin, Sub Court, Vizianagaram.
11 K. Adinarayana , s/o Late Tatamma
Retd.Amin, District Court Vizianagaram,
12 I.S. Acharyulu, S/o Narasimhavharyulu,
Amin, Sub Court Vizianagaram,
13 M. Sanyasi Rao, S/o Chinnayya,
Amin, Munsif Magistrate's court, Cheepurupalli.
14 M.S.N. Murthy, S/o Late Pardhasaradhi,.
Amin, District Court Vizianagaram.
15 P. Ramachandra Raju, S/o Late Raipuraju,

Retd.Amin, Sub Court, Vizianagaram,

..... PETITIONERS

AND

1 The Government of A.P., Rep by Secretary
Finance & Planning Department, Secretariat,
Hyderabad.
2 The District Judge,
Vizianagaram,
3 The District Treasury Officer,
Vizianagaram, **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any appropriate writ, direction or order especially one in the nature of Writ of Mandamus directing the 1st respondent to apply and extend the G.O.Ms.No.140 dated 29.3.94 Finance & Planning with reference to the petitioners and to fix their scale of pay in accordance with the orders passed under G.O.Ms.No.140 dated 29.3.1994 Finance & Planning Department.

Counsel for the Petitioner: Mr.C.SUBBA RAO

Counsel for Respondent Nos.1&3: GP FOR FINANCE & PLANNING

Counsel for Respondent No.2: Smt. M.BHASKARA LAKSHMI

(Standing Counsel for High Court)

The Court made the following :

-

-

-

-

-

-

-

-

-

-

ORAL ORDER: (per **HON'BLE THE CHIEF JUSTICE**)

Petitioners were working as Amins in various Courts in Vizianagaram district. Some

of them retired while others were still working at the time when the writ petition was filed. They made grievance that the raise in the scale of pay and refixation of pay vide G.O.Ms.No.140, dated 29-3-1994 has not been extended to them and thus there has been discrimination on the part of respondents in not extending the benefits.

There is no counter affidavit filed, though the writ petition was admitted on 21-4-1995.

G.O.Ms.No.140, Finance and Planning (FW.PC-I) Department, dated 29-3-1994 in partial modification of the earlier orders, directed that:

> ".....the pay shall be fixed in the revised scales assigned in the orders issued in the G.Os.1st to 6th read above, in the light of recommendations of the Anomalies and Regrouping Committee or Prof T.Navaneetha Rao Committee in 1986 pay scales under F.R.22(a)(i) read with F.R.31(2) with effect from the respective dates from which the revised scales come into force not only with monetary benefit from 1-4-1993"

Be it noted that as per G.O.Ms.No.286, Finance and Planning (FW.PC.I) Department, dated 19-7-1993 as regards Amins/Bailiffs, Examiners, Readers, Copyists, Government directed that :

> "....Amins and Bailiffs of the Judicial Department be allowed the pay scale of Rs.910-1625 with effect from 27-4-1992 the date of the Judgment of the High Court and Rs.1665-3200 in 1993 pay scales from 1-1-1993 with monetary benefits from 1-4-1993. The pay in the pay scale of Rs.910-1625 in 1986 pay scales from 27-4-1992 shall be fixed under F.R.22(a)(ii)."

A conjoint reading of the above Governmental Orders shows that the petitioners are entitled for the benefit as per G.O.Ms.No.140, dated 29-3-1994. Consequently, we allow the writ petition and issue directions as prayed for. No costs.

_____

DEVINDER GUPTA, C.J.

03-11-2004

_____

C.V.RAMULU, J

Prk

The Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this the Wednesday, Third day of November Two thousand and Four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary,
Finance & Planning Department, Government of A.P.,

Secretariat, Hyderabad.
2 The District Judge,
Vizianagaram,
3 The District Treasury Officer,
Vizianagaram,

4. 2CCs to Govt.Pleader for Finance & Planning, High Court Buildings, Hyderabad (OUT).

5. 2CD copies